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Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 27 July 2009 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Japan to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit a report pursuant to operative paragraph 22 of resolution 1874 (2009), adopted on 12 June 2009 (see annex).

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Annex to the note verbale dated 27 July 2009 from the Permanent Representative of Japan to the United Nations addressed to the Chairman of the Committee

Report to the Security Council pursuant to paragraph 22 of United Nations Security Council resolution 1874 (2009)

1. Japan's basic position

The position of the Government of Japan on the nuclear test conducted by the Democratic People's Republic of Korea (DPRK) on 25 May is clearly expressed in the statement by Mr. Taro Aso, the Prime Minister of Japan, issued on the same day. In his statement, the Prime Minister stressed that a nuclear test by the DPRK was totally unacceptable, as it constituted a grave threat to Japan's security and seriously undermined the peace and security of North-East Asia as well as the international community when taken together with the DPRK's development of its ballistic missile capability.

The Government of Japan has been vigorously undertaking necessary measures to implement United Nations Security Council resolutions 1718 (2006) and 1874 (2009).

Resolution 1874 is of great significance as it embodies the international community's strong condemnation of, and profound concerns over, the nuclear test. Japan reiterates the extreme importance of its early and full implementation and the need for Member States to coordinate their measures to the greatest extent possible, so that the resolution is implemented effectively. Japan will also cooperate closely with the Security Council Committee established pursuant to paragraph 12 of resolution 1718 (1718 Committee).

2. Measures with regard to paragraph 8 of resolution 1718 as well as paragraphs 9, 10, 18, 19 and 20 of resolution 1874

The measures below have been taken by the Government of Japan with regard to paragraph 8 of resolution 1718 as well as paragraphs 9, 10, 18, 19 and 20 of the resolution 1874. These measures are additional to the measures included in the previous report to the Security Council (S/AC.49/2006/10) as well as the measures included in paragraph 4 of the present report.

(1) Measures based on the designation of entities, individuals and items by the 1718 Committee:

- The Government of Japan has introduced measures to prevent the transfer of any financial resources to and by the eight entities and the five individuals who were designated by the Committee for their relations with the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes, based on the Foreign Exchange and Foreign Trade Act (Act No. 228 of 1948) (effective on 22 May 2009 for the three entities designated by the 1718 Committee on 24 April 2009, and on 24 July 2009 for the additional five entities and the five individuals designated by the 1718 Committee on 16 July 2009).

- The Government of Japan has introduced measures to prevent the entry into or transit through Japan of the five individuals who were designated by the Committee for their relations with the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes based on the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951). (Note: entry of all DPRK nationals into Japan has already been banned, in principle, since 11 October 2006.)
- Measures to prevent the import and export of the two items designated by the 1718 Committee have also been taken by the Government of Japan, based on the Foreign Exchange and Foreign Trade Act. (Note: import from and export to the DPRK has already been banned since 14 October 2006, and 18 June 2009, respectively.)

(2) Measures concerning paragraphs 9 and 10 of resolution 1874:

- The Government of Japan has long been maintaining measures to prevent import from and export to the DPRK of all arms and related materiel as well as financial transactions and technical training, etc., as stipulated in paragraphs 9 and 10 of resolution 1874, based on Japan's general policy of not allowing any arms exports and through the ban on all imports and exports vis-à-vis the DPRK under the Foreign Exchange and Foreign Trade Act (introduced on 14 October 2006, and 18 June 2009, respectively).

(3) Measures concerning paragraph 18 of resolution 1874:

- The Government of Japan has introduced measures, based on the Foreign Exchange and Foreign Trade Act, to prevent the provision of financial services or the transfer of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities through restrictions on payments, import and export of means of payments, capital transaction and provision of relevant services (effective as of 7 July 2009). In addition, the Government of Japan has issued a request to financial institutions in Japan to ensure that they confirm the transfer of any financial or other assets or resources through them and fulfil the requirements based on the Foreign Exchange and Foreign Trade Act (request issued on 7 July 2009).
- The Government of Japan has issued a request to financial institutions in Japan to exercise special vigilance regarding the transfer of assets related to the DPRK and to ensure that they thoroughly conduct the obligations of identification clearances and reporting of suspicious transactions based on the Act on Prevention of Transfer of Criminal Proceeds and the Obligation of Notification (request issued on 7 July 2009).

(4) Measures concerning paragraphs 19 and 20 of resolution 1874:

- The Government of Japan is not providing any financial assistance or support to the DPRK, including as referred to in paragraphs 19 and 20 of resolution 1874.

3. Measures with regard to other provisions of resolution 1874

(1) Measures concerning paragraphs 11 to 16 of resolution 1874:

- The Government of Japan carries out inspection of cargo to the fullest possible extent under the existing legal framework. In addition to these measures, the Government of Japan is now undertaking necessary work for legislation to provide the Japan Coast Guard and the Japan Customs additional authorities to inspect, seize and dispose of cargo that is subject to resolutions 1718 and 1874.

(2) Measures concerning paragraph 17 of resolution 1874:

- The Government of Japan has implemented a total ban on the entry of DPRK vessels to Japanese ports based on the Act on Special Measures concerning Prohibition of Entry of Specified Ships into Ports. In addition, the Act on Navigation of Foreign Ships through the Territorial Sea and Internal Waters does not allow foreign vessels to anchor or roam in the Japanese territorial waters unless it is for humanitarian purposes, etc. For these and other reasons, there are no circumstances envisaged in which bunkering services would be provided to DPRK vessels by Japanese nationals and from Japanese territory.

(3) Measures concerning paragraph 28 of resolution 1874:

- The Government of Japan continues the strict implementation of its ban, in principle, on the entry by all DPRK nationals into Japan based on the Act on Immigration Control and Refugee Recognition (effective as of 10 July 2009).

- The Government of Japan has issued a warning to universities and other research institutions against providing specialized teaching or training as referred to in paragraph 28 (issued on 10 July 2009).

4. Recent measures taken by the Government of Japan with regard to the DPRK

The Government of Japan has taken measures as outlined below, in light of the current circumstances surrounding the DPRK, including its recent missile launches and nuclear test as well as its inaction regarding cases of abduction of Japanese nationals. These measures are additional to the measures included in the previous report to the Security Council (S/AC.49/2006/10).

(1) Measures introduced since 22 May 2009:

(a) Concerning the export of means of payments, etc., to the DPRK, the Government of Japan has reduced the lowest amount that requires notification to the relevant authorities from the equivalent of 1 million yen to 300,000 yen;

(b) Concerning money transfer to persons or entities that have their addresses, etc., in the DPRK, the Government of Japan has reduced the lowest amount that requires reporting to the relevant authorities from the equivalent of 30 million yen to 10 million yen.

(2) Measures introduced since 16 June 2009:

- The Government of Japan shall deny (i) the landing of foreign sailors who have violated the trade and financial measures against the DPRK, and (ii) the re-entry into Japan of foreign residents in Japan who have committed such violations if such person purports to go to the DPRK.

(3) Measures introduced since 18 June 2009:

- The Government of Japan has banned all exports to the DPRK.